



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,300	05/08/2001	Kurt M.A. Badeau	4191-00025	3110

26753 7590 06/30/2003

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,300

Applicant(s)

BADEAU ET AL

Examiner

PHAM

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Election

1) ☒ Responsive to communication(s) filed on 04/14/03

2a) ☐ This action is FINAL.

2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) 17-37 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-16 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,328

4) ☐ Interview Summary (PTO-413) Paper No(s) _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

Art Unit: 1724

1. From the Election correspondence filed on April 14, 2003, Applicant elects Group I which is claims 1-16 drawn to a filter. Claims 17-37 have been withdrawn from consideration as non-elected claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Nagai et al (5,863,311; Abstract; Figs. 1B, 2B & 13B; col. 7, lines 16-44), Gillingham et al (5,820,646; Figs. 1, 7 & 8; col. 2, line 65 through col. 3, line 13; col. 5, lines 1-52), Nakamura et al (5,322,537; Fig. 1) and Frost et al (4,419,108; Fig. 3; col. 4, line 27 through col. 6, line 16).

Any one of Nagai et al, Gillingham et al, Nakamura et al and Frost et al teach a filter for internal combustion engine comprising an axially extending filter roll comprising pleated filter media defining a plurality of axially extending flow channels having a first open flow section with open flow channels and a second filtering section with alternately sealed flow channels forcing exhaust to flow through the pleated filter media. Any one of Nagai et al, Gillingham et al, Nakamura et al and Frost et al further teach a filter roll spirally wound from a sheet having corrugated serpentine pleats extending axially therealong providing the pleated filter media having

Art Unit: 1724

a plurality of axially extending flow channels and comprising first and second axially spaced sealing beads extending laterally across the pleats and alternately sealing the flow channels and the sheet being wound from a starting side to a terminating side and the beads being laterally spaced from one of the starting and terminating sides to provide unsealed flow channels providing open flow section of the filter roll when wound. Any one of Nagai et al, Gillingham et al, Nakamura et al and Frost et al further teach the cylindrical filter roll between the inlet plenum and outlet having a plurality of concentric layers with pleats therebetween defined by wall segments extending radially in corrugated serpentine manner between pleat tips at axially extending bend lines and the wall segments defining axial flow channels therebetween and being alternately sealed to each other by set of plugs so that the engine exhaust alternately flows from the inlet plenum to outlet.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605. The examiner can normally be reached on Monday-Friday (except Wednesday) from 7:15 a.m. to 5:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached on (703) 308-1261. The fax phone number for this Group is (703) 872-9310 (non-finals) or (703) 872-9311 (after-finals).

Application/Control Number: 09/851,300

Page 4

Art Unit: 1724

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', with a stylized, cursive script.

Minh-Chau Pham

Patent Examiner

June 26, 2003